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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 13 DEC 2004

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 501686/wtm	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/AU2003/000997	International Filing Date (day/month/year) 7 August 2003	Priority Date (day/month/year) 7 August 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ H01L 39/24		
Applicant COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the report |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input checked="" type="checkbox"/> | Certain observations on the international application |

Date of submission of the demand March 2004	Date of completion of the report 6 December 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA -mail address: pct@ipaustalia.gov.au -facsimile No. (02) 6285 3929	Authorized Officer MARK O'MALLY Telephone No. (02) 6283 2142

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report**

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 9-15, 32-35, 46-52, 56-60	YES
	Claims 1-8, 16-31, 36-45, 53-55	NO
Inventive step (IS)	Claims	YES
	Claims 1-60	NO
Industrial applicability (IA)	Claims 1-60	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents were cited as evidenced in the International Search Report completed by the Australian Patent Office:

(D1) Bär et al, SQUID EDDY CURRENT TECHNIQUE APPLYING CONFORMABLE EDDY CURRENT PROBES, European Conference on Non-destructive Testing Proceedings 1998, December 1998, Vol. 3 No. 12 available at <http://www.ndt.net/article/ecndt98/et/391/391.htm#5>

(D2) US 4 693 000

NOVELTY (N) claims 1-8, 16-31, 36-45, 53-55

The invention defined by the claims indicated above is not novel in light of prior art documents D1 and D2, which both explicitly disclose all of the features of said claims.

INVENTIVE STEP (IS) claims 1-60

Claims 1-8, 16-31, 36-45, 53-55 as above.

The invention defined in independent claims 32 and 34 does not involve an inventive step when each of the prior art documents D1 and D2 are individually combined with common general knowledge in the art. Each of these particular claims merely only add features which appear to be workshop variations, due to the notion that they mainly involve suitable materials for manufacture and connection arrangements which would be obvious to a person skilled in the art in light of these particular documents and also in light of the common general knowledge in the art.

Furthermore, the invention defined in dependent claims 9-15, 33, 35, 46-52 and 56-60 does not involve an inventive step when compared to either of prior art documents D1 and D2. The features outlined in these claims relate to parameters or structures which can be arrived at by the application of normal design procedures when the general technical knowledge about the state of the art is used and hence do not contribute to patentable invention.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- a) Claim 1 is not clear because it would seem that one would require at least two pickup loops in order to detect magnetic fields of differing orientations. It is also unclear as to how a flexible substrate can be common to a single loop. I cannot therefore determine the scope of the monopoly claimed.
- b) Claims 1 and 32 are not fully supported by the description. Claim 1 is not fully supported for the reasons indicated above in item a) with reference to pages 1-3 of the description. Claim 32 is not fully supported due to the absence of the second loop and also due to the fact that the device is not configured to detect differently oriented magnetic fields, which from reading pages 1-4 of the description, would appear to be essential.